

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ROBERT S. GOLLAHON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 1:07cv308
	)	
D.R. HORTON, INC., et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is Defendant D.R. Horton, Inc.'s Motion to Exclude Plaintiff's Expert Witness (Dkt. no. 82), Plaintiff's Opposition thereto, and Defendant's Reply. For the reasons stated in open Court, it is hereby

ORDERED that Defendant's Motion to Exclude Plaintiff's Expert Witness (Dkt. no. 82) is GRANTED. Mr. Leming is prohibited from acting as an expert because of Virginia Rule of Professional Conduct 1.9(a) which provides that "[a] lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related mater in which that person's interests are materially adverse to the interests of the former client unless both the present and the former client consent after consultation."

Entered this 12th day of October, 2007

Alexandria, Virginia

/s/  
Liam O'Grady  
United States District Judge